

and if he has in any sense failed, it was not intentional.

J. B. PRICE,
Respondent,

FIFTH DAY.

(Continued.)

Senate Chamber,
Austin, Texas,
September 18, 1931.

The Senate met at 9:30 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Senator Excused.

On motion of Senator Rawlings, Senator Berkeley was excused for today and the rest of the week on account of the death of a friend.

Senate Bill No. 2.

The question recurred upon the pending amendment to S. B. No. 2.

Senator Woodward moved to table the amendment. The motion prevailed by the following vote:

Yeas—15.

Cunningham.	Purl.
Greer.	Rawlings.
Hornsby.	Russek.
Oneal.	Small.
Parr.	Thomason.
Parrish.	Williamson.
Patton.	Woodward.
Poage.	

Nays—11.

Cousins.	Moore.
DeBerry.	Neal.
Hardin.	Pollard.
Holbrook.	Stevenson.
Hopkins.	Woodruff.
Martin.	

Absent.

Beck.	Loy.
Gainer.	

(Pair Recorded.)

Senator Woodul (present) who would vote nay, with Senator Berkeley (absent) who would vote yea.

Senator Martin sent up the following amendment:

Amend S. B. No. 2, as amended by striking out all of Section 1, and all

of Section 2 of the said bill, and by changing the figures "1934" in line 5, Section 4, page 2, to "1933," and by changing the figures "1933" in line 7, Section 4, page 2, to "1932."

MARTIN.

Read and lost by the following vote:

Yeas—6.

Cousins.	Moore.
Hopkins.	Stevenson.
Martin.	Woodruff.

Nays—16.

Beck.	Parrish.
Cunningham.	Poage.
Greer.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Loy.	Thomason.
Oneal.	Williamson.
Parr.	Woodward.

Present—Not Voting.

DeBerry.	Rawlings.
Neal.	

Absent.

Gainer.	Patton.
Hardin.	Purl.

(Pair Recorded.)

Senator Woodul (present) who would vote yea, with Senator Berkeley (absent) who would vote nay.

Senator Martin sent up the following amendment:

Amend S. B. No. 2, as amended by adding at the end of Section 2, page 1, the following:

"And provided further that no part of any lands not in cultivation during the year 1931 shall be planted in cotton during the year 1932, and no lands, which have heretofore been in cultivation and which have not been planted to any kind of cultivatable crop during the past five years next preceding January 1st, 1932, shall be planted to cotton during the year 1932."

MARTIN.

The amendment was read.

Senator Purl moved the previous question on the amendment and the further consideration of the bill with the understanding that Senators Moore, Rawlings, and Martin would be allowed to send up amendments to be acted on without discussion

and that an amendment to the caption would be permitted.

The previous question was ordered.

The amendment was lost by the following vote:

Yeas—13.

Cousins.	Moore.
DeBerry.	Neal.
Gainer.	Poage.
Hardin.	Russek.
Hopkins.	Thomason.
Loy.	Woodul.
Martin.	

Nays—16.

Beck.	Patton.
Cunningham.	Pollard.
Greer.	Purl.
Holbrook.	Small.
Hornsby.	Stevenson.
Oneal.	Williamson.
Parr.	Woodruff.
Parrish.	Woodward.

Present—Not Voting.

Rawlings.

Absent—Excused.

Berkeley.

Senator Martin sent up the following amendment:

Amend S. B. No. 2, as amended by adding at the end of line 60, Section 2, the following:

"No lands which have been lying idle, that is to say, which have not been cultivated for the past five years next preceding January 1st, 1932, shall be planted to more than one fourth in cotton in the year 1932."

MARTIN.

Read and adopted by the following vote:

Yeas—16.

Cousins.	Neal.
DeBerry.	Poage.
Greer.	Pollard.
Hardin.	Rawlings.
Hopkins.	Russek.
Loy.	Stevenson.
Martin.	Thomason.
Moore.	Woodul.

Nays—14.

Beck.	Holbrook.
Cunningham.	Hornsby.
Gainer.	Oneal.

Parr.	Small.
Parrish.	Williamson.
Patton.	Woodruff.
Purl.	Woodward.

Absent—Excused.

Berkeley.

Senator Martin sent up the following amendment:

Amend S. B. No. 2, as amended, by adding at the end of line 60, Section 2, the following:

"No lands not in cultivation during the year 1931 shall be planted to more than one-fourth in cotton during the year 1932."

MARTIN.

Read and adopted by the following vote:

Yeas—28.

Beck.	Parr.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays—2.

Hornsby. Parrish.

Absent—Excused.

Berkeley.

Senator Rawlings sent up the following amendment:

Amend Senate Bill No. 2, as amended by adding thereto a new section to be numbered 11B, to read as follows:

Provided however that no cotton shall be planted on any lands owned or controlled by the Prison System of the State of Texas during the years 1932 and 1933.

RAWLINGS,
HOPKINS.

Read and lost by the following vote:

Yeas—12.

Beck.	Hardin.
Greer.	Holbrook.

Hopkins.	Rawlings.
Martin.	Russek.
Patton.	Thomason.
Pollard.	Woodul.

Nays—18.

Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Hornsby.	Small.
Loy.	Stevenson.
Moore.	Williamson.
Neal.	Woodruff.
Oneal.	Woodward.

Absent—Excused.

Berkeley.

Senator Moore sent up the following amendment:

Amend S. B. No. 2 as amended, by striking out all below the enacting clause and insert in lieu thereof the following:

"Section 1. For the purpose of limiting the production of cotton and conserving the soils and beginning with cotton crops raised during the year 1932 and each year thereafter, there shall be levied and collected by the State of Texas, for the use and benefit of the general revenue fund of each county where the cotton crop is raised and produced, upon each bale of cotton in excess of twenty bales raised and produced by any one person, family, firm, co-partnership, corporation or association in any one year fees and penalties calculated and fixed by the following schedule, to wit:

For the first five bales or part thereof in excess of twenty bales \$1.00 per bale.

For the second five bales or part thereof in excess of twenty bales \$2.50 per bale.

For the third five bales or part thereof in excess of twenty bales \$5.00 per bale.

For the fourth five bales or part thereof in excess of twenty bales \$7.50 per bale.

For the fifth five bales or part thereof in excess of twenty bales \$10.00 per bale.

For each and every bale or part of bale in excess of forty-five bales \$20.00 per bale.

Sec. 2. The term family as herein used is intended to include and mean husband and wife, or husband

or wife surviving and all children under twenty-one years of age, residing with said husband and wife or said surviving husband or wife as the case may be.

Sec. 3. All owners, managers and operators of cotton gins are charged with the collection of said fees and penalties in the amounts set forth in Section 1, of this Act as said cotton is ginned and baled, and at the end of each week shall make out and forward to the county treasurer of the county where said cotton is ginned a complete report showing the names of all persons, families, firms, copartnerships, corporations or associations for whom cotton has been ginned and baled during said week and the number of bales ginned and baled for each; provided that when any person, family, firm, copartnership, corporation or association shall have cotton ginned and baled at more than one gin, a written statement shall be furnished to the owner of said gin, to which cotton is last offered to be ginned and baled showing the number of bales ginned at other gins including the name thereof and the amount of fees and penalties paid each and said owner of said gin shall calculate the fees and penalties as per the schedule in Section 1, of this Act and collect the amount of fees and penalties unpaid.

Section 3-a. Should more than twenty (20) bales of cotton be produced on any tract of land in Texas operated by any one person, firm, co-partnership, corporation, or association under any plan, process, contract or agreement whereby the cotton produced on such land is owned or controlled, directly or indirectly, by such person, firm, co-partnership, corporation or association, such cotton shall be subject to the fees and penalties and on the same schedule as that set out in Section 1 of this Act.

Sec. 4. The owner or manager of any gin shall not surrender possession of any cotton after same has been ginned and baled until said fees and penalties are paid; provided that a receipt shall be issued to party paying same.

The owners of all gin plants shall give bond in the sum of two thousand dollars for each gin plant owned and operated payable to the county treasurer of the county where said

plants are located to be approved by the county judge of said county where said gin or gins are located, conditioned upon the prompt and faithful collection and remittance to the county treasurer of all sums and amounts of fees and penalties collected by authority of this Act, and for said services a fee of one per cent shall be retained.

Any person firm, family, or association who wilfully fails or refuses to pay the fees and penalties herein provided for shall be subject to injunction and prohibited from ginning additional cotton for the current season.

Any corporation that fails or refuses to pay said fees and penalties shall be subject to have its charter revoked and permit to do business in Texas cancelled in any Court of Competent Jurisdiction.

Sec. 5. Assessment and collection of the fees and penalties provided herein shall apply to heads of families, persons, firms, families, co-partnerships, corporations and/or associations and no one shall be permitted to plant to cotton for the year 1932 more than fifty percent of the land owned, controlled, leased, and/or managed by said person, firm, family, co-partnership, corporation and/or association planted or cultivated the previous year, and for the year of 1933 sixty-six percent of such land so owned nad controlled may be planted to cotton; after December 31, 1932 no land shall be planted to cotton two years in succession, provided there shall be no restriction of acreage after December 31, 1933.

Sec. 6. The fact that there is now no existing law to prohibit the excess production of cotton, and the further fact that such a law is needed, creates a public necessity for the preservation of the credit of said counties and creates an emergency and imperative public necessity that the Constitutional Rule which requires bills to be read on three several days be suspended and that this Act shall so take effect and be in force from and after its passage, and it is hereby so enacted.

MOORE,
HARDIN.

The amendment was read.

Senator Purl raised the point of order that this amendment was a revenue-raising measure and could not originate in the Senate.

The Chair, Lieutenant Governor, Edgar E. Witt, sustained the point of order.

Senator Cunningham sent up the following amendment:

Amend S. B. No. 2 as amended by striking out all above the enacting clause and inserting in lieu thereof the following:

A BILL

To Be Entitled

An Act declaring the soil to be a natural resource of the State; declaring it is a public right and public duty and made mandatory upon the Legislature of the State of Texas under Section 59 of Article 16 of the Constitution of the State of Texas to enact laws to compel the preservation and conservation of the fertility of the soil; providing that for the purpose of preserving and conserving the soil, preventing waste thereof and erosion of the soil and to aid in the eradication of and to prevent the spread of root rot and all other diseases of the soil, it shall be unlawful for any person, association of persons, firm, corporation or joint stock company, during the year 1932, to plant any cotton seed for the purpose of raising cotton on any land in excess of one-fourth of the area thereof in cultivation during the year 1931; and to make it unlawful for any person, association of persons, firm, corporation or joint stock company during the year 1933, to plant any cotton seed for the purpose of raising cotton on any land in excess of one-fourth of the area thereof in cultivation during the year 1932; and prohibiting the planting or growing of cotton in 1933 upon any land which cotton was grown in 1932; except certain experimental farms from the operation of this Act; providing for injunctions in order to prevent a violation of this Act and to enforce the purpose and intent hereof; prohibiting the planting and cultivation of cotton on the same land two years in succession; defining the duties of the Attorney General, the several County and District Attorneys in respect thereto; affixing the penalties for violations of this Act, requiring owners and agents to give information as to the number of acres in cultivation and the number of acres planted in cotton in 1931 and 1932; imposing cer-

tain duties and responsibilities upon the County Assessor of Taxes and the Commissioner of Agriculture of the State of Texas, providing a saving clause if any part of this Act is held invalid, and declaring an emergency.

CUNNINGHAM.

Read and adopted.

The bill as amended was passed to engrossment by the following vote:

Yeas—18.

Beck.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Greer.	Russek.
Hardin.	Small.
Loy.	Thomason.
Oneal.	Williamson.
Parr.	Woodruff.
Parrish.	Woodward.

Nays—10.

Cousins.	Moore.
Holbrook.	Neal.
Hopkins.	Purl.
Hornsby.	Rawlings.
Martin.	Stevenson.

Absent.

Gainer.

(Pair Recorded.)

Senator Woodul (present) who would vote nay, with Senator Berkeley (absent) who would vote yea.

Senator Woodruff moved to reconsider the vote by which the bill was engrossed.

Senator Woodward moved to table the motion to reconsider. The motion to table prevailed by the following vote:

Yeas—22.

Beck.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Greer.	Purl.
Hardin.	Russek.
Hornsby.	Small.
Loy.	Stevenson.
Neal.	Thomason.
Oneal.	Williamson.
Parr.	Woodward.

Nays—6.

Holbrook.	Moore.
Hopkins.	Rawlings.
Martin.	Woodruff.

Absent.

Gainer.

(Pair Recorded.)

Senator Woodul (present) who would vote nay, with Senator Berkeley (absent) who would vote yea.

Senator Woodward moved to suspend the Constitutional rule requiring bills to be read on three several days.

The motion prevailed.

The Chair substituted H. B. No. 7, on the same subject for S. B. No. 2.

The rule requiring committee reports to lie over 24 hours was suspended by the following vote:

Yeas—30.

Beck.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Berkeley.

The committee report was adopted.

On motion of Senator Cunningham the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 7 was put on its second reading by the following vote:

Yeas—30.

Beck.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Berkeley.

Read second time.

On motion of Senator Cunningham the words and figures of S. B. No. 2 were substituted for H. B. No. 7.

The bill was passed to third reading by the following vote:

Yeas—19.

Beck.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Loy.	Thomason.
Neal.	Williamson.
Oneal.	Woodward.
Parr.	

Nays—8.

Holbrook.	Moore.
Hopkins.	Purl.
Hornsby.	Rawlings.
Martin.	Woodruff.

Absent.

Cousins. Stevenson.

(Pair Recorded.)

Senator Woodul (present) who would vote nay, with Senator Berkeley (absent) who would vote yea.

On motion of Senator Cunningham the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 7 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Absent.

Cousins.

Absent—Excused.

Berkeley.

by the following vote:

Read third time and finally passed

Yeas—19.

Beck.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Loy.	Thomason.
Neal.	Williamson.
Oneal.	Woodward.
Parr.	

Nays—9.

Cousins.	Moore.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Woodruff.
Martin.	

Absent.

Stevenson.

(Pair Recorded.)

Senator Woodul (present) who would vote nay, with Senator Berkeley (absent) who would vote yea.

Reason for Vote.

I voted against tabling the Moore amendment because I prefer it to the restriction to 25% of the cultivated area which is now in the bill. I voted for it because this bill will go to a Free Conference Committee and I wanted it so we could use it to make them raise the restriction of one-fourth of the cultivated area because I think that restriction will be unfair to the black land and be in favor of the sandy lands of East Texas and the mixed lands of West Texas.

DeBERRY.

Reason For Vote.

I vote no on the engrossment of S. B. No. 2 as amended for the reason I consider the reduction of cotton acreage to one-fourth for the years 1932 and 1933 is unreasonable as to my Senatorial District.

MARTIN.

Reason For Vote.

I vote yea on H. B. No. 2, not because I think it is the best bill but it

looks as if this is the only bill the Legislature will pass, therefore I vote yea.

LOY.

Reason For Vote.

I vote no on the final passage of S. B. No. 2, as amended for the reason I am of the opinion the limiting cotton acreage to one-fourth is unreasonable for the people of my senatorial district.

MARTIN.

Reason For Vote.

I vote no for the engrossment and final passage of S. B. No. 2, because I still hope we can perfect a workable bill in Free Conference Committee. I intend placing my reasons for vote on cotton acreage reduction by law in the Journal later. There are a number of provisions in S. B. No. 2 that I am strenuously opposed to. The main one is that provision prohibiting the planting of more than one-fourth of the cultivated area of any farm in cotton. I think this percentage is too small.

DeBERRY.

S. C. R. No. 8.

Senator Cousins sent up the following resolution:

Whereas, There is now no map of Brazoria county showing the location of surveys in said county prior to 1863 except fragments of the original map which cannot now be put in place so as to make same show the location of such survey; and

Whereas, There is now in the custody of the Commissioner of the General Land Office an old map of said Brazoria County endorsed:

"Map of Brazoria County, Drawn from the Original, October, 1860, by R. R. Jones, Assistant Draftsman in the G. L. O."

Photographed by Prof. C. C. Stremme, of the Photographic Bureau of the General Land Office, which endorsements and the data appearing on said map and the other evidences appearing thereon establish its identity and genuineness, and the same is important in locating the surveys of land in Brazoria County, Now, therefore,

Be It Resolved by the Legislature of the State of Texas, the Senate and House of Representatives concur-

ring, The Commissioner of the General Land Office be and he is hereby authorized and directed to accept and file the said map in the General Land Office, noting thereon his certificate of identification, after which the said map and copies thereof shall be archives of said office, and the same or certified copies thereof shall be admissible in evidence to the same extent as are other archives, papers, documents and records of said office and certified copies thereof.

COUSINS.

The resolution was laid on the table subject to call.

Messages From the House.

Hall of the House of Representatives, Austin, Texas, Sept. 18, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. C. R. No. 2, Requesting the members of Congress to take such action as is necessary to authorize the Federal Land Bank of Houston to defer the effectiveness of all its loans for a period of three years.

Respectfully submitted.

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives, Austin, Texas, Sept. 18, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir, I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 7, A bill to be entitled "An Act declaring the soil to be a natural resource of the State; declaring it is a public right and a public duty and made mandatory upon the Legislature of the State of Texas under Section 59 of Article 16 of the Constitution of the State of Texas to enact laws to compel the preservation and conservation of the fertility of the soil; providing that for the purpose of preserving and conserving the soil, preventing waste thereof and erosion of the soil, and to aid in the eradication of, and to prevent the spread of, root rot and all other diseases of the soil, it shall be unlawful for any person, associ-

ation of persons, firm, corporation or joint stock company, during the year 1932, to plant any cotton seed for the purpose of raising cotton on any land in excess of thirty-three and one-third per cent ($33\frac{1}{3}\%$) of the area thereof in cultivation during the year 1931; and to make it unlawful for any person, association of persons, firm, corporation or joint stock company during the year 1933, to plant any cotton seed for the purpose of raising cotton on any land in excess of fifty per cent (50%) of the area thereof in cultivation during the year 1932, etc., and declaring an emergency."

H. B. No. 30, A bill to be entitled "An Act repealing House bill No. 943, Chapter 159, page 311, of the Special Laws passed at the Regular Session of the Forty-second Legislature, as amended by House bill No. 37, Chapter 21, of the General and Special Laws of the First Called Session of the Forty-second Legislature, 1931, and declaring an emergency."

H. C. R. No. 6, Requesting reciprocal legislation by certain other states.

H. C. R. No. 5, Relative to placing a tariff on the importation of jute.

H. C. R. No. 9, Relative to the discontinuance of appropriations by the United States Government to reclaim arid lands for the purpose of growing cotton thereon.

H. C. R. No. 15, Requesting certain corporations to use care and diligence to keep down the growth of certain grasses and weeds.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Sept. 18, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 52, A bill to be entitled "An Act to repeal Chapter 325 of the General Laws of the Regular Session of the Forty-second Legislature, placing Presidio County under the hide and animal inspection laws of Texas, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Message From the Governor.

Executive Office,

Austin, Texas, Sept. 18, 1931.

To the Members of the Forty-second Legislature:

As an emergency measure, I herewith hand to you the attached bill bearing upon the subject of the tax rate for the present year and I urge your immediate passage of this measure in order that the tax rate for this year may be promptly fixed and in order to insure that the State rate will not be raised.

Respectfully submitted,

R. S. STERLING,
Governor.

House Bills Referred.

H. B. No. 7, referred to Committee on Agricultural Affairs.

H. B. No. 30, referred to Committee on State Affairs.

H. B. No. 52, referred to Committee on Stock and Stock Raising.

Bills Introduced.

By Senator Cunningham:

S. B. No. 24, A bill to be entitled "An Act to amend Article 7043 of the Revised Civil Statutes of the State of Texas, 1925, Acts, First Called Session, Thirtieth Legislature, page 464, relating to ascertaining tax rate, and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senators Purl and Woodruff.

S. B. No. 25, A bill to be entitled "An Act to amend Section 1 of Chapter 271, House Bill No. 358, General Laws of the Regular Session of the Forty-second Legislature, approved May 29, 1931, providing for the sale of lands belonging to the Public Free School Fund of the State of Texas, except islands, lakes and bays and other lands within tide water limits; amending Section 5 of said Act, giving preference right to holders in good faith of surveys of land to purchase the same; amending Section 8 of said Act, relating to the lease of all unsold public free school lands, and declaring an emergency."

Read and referred to Committee on State Affairs.

House Bill No. 19.

The Chair laid before the Senate as special order the following bill:

By Mr. DeWolfe, and others:

H. B. No. 19, A bill to be entitled "An Act repealing subdivision four (4) of Article 7047 of the Revised Statutes of 1925 as amended by Chapter 212, Acts of the Regular Session of the Forty-second Legislature, levying an occupation tax on peddlers, and declaring an emergency."

Read second time.

House Bill No. 52.

The Chair laid before the Senate by unanimous consent the following bill:

By Mr. Satterwhite:

H. B. No. 52, A bill to be entitled "An Act to repeal Chapter 325 of the General Laws of the Regular Session of the Forty-second Legislature, placing Presidio County under the hide and animal inspection laws of Texas, and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended.

The committee report was adopted.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 52 was put on its second reading by the following vote:

Yeas—28.

Beck.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Poage.
Greer.	Pollard.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Small.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent.

Cousins. Stevenson.

Absent—Excused.

Berkeley.

The bill was read second time and passed to third reading.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 52 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Poage.
Greer.	Pollard.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Small.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent.

Cousins. Stevenson.

Absent—Excused.

Berkeley.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Poage.
Greer.	Pollard.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Small.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent.

Cousins. Stevenson.

Absent—Excused.

Berkeley.

Senate Bill No. 22.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Martin:

S. B. No. 22, A bill to be entitled "An Act to amend Section 28, Chapter 16, of the General Laws passed

by the Thirty-ninth Legislature, at its First Called Session, by adding thereto two new sections, known as Section 16-A and Section 16-B; providing that where any road district includes within its limits portions of a previously created road district, subdivision or precinct, having road bond debts outstanding, the newly created road district may issue bonds for the purchase of roads within the previously created district, subdivision or precinct; etc., and declaring an emergency."

Read second time.

Senator Martin sent up the following amendment:

Amend S. B. No. 22 by striking out the letters and figures 16-a and 16-b and substituting 28-a and 28-b and amend caption accordingly.

MARTIN.

Read and adopted.

The bill passed to engrossment.

On motion of Senator Martin the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 22 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Poage.
Greer.	Pollard.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Small.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent.

Cousins. Stevenson.

Absent—Excused.

Berkeley.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Holbrook.
Cunningham.	Hopkins.
DeBerry.	Hornsby.
Gainer.	Loy.
Greer.	Martin.
Hardin.	Moore.

Neal.	Rawlings.
Oneal.	Russek.
Parr.	Small.
Parrish.	Thomason.
Patton.	Williamson.
Poage.	Woodruff.
Pollard.	Woodul.
Purl.	Woodward.

Absent.

Cousins. Stevenson.

Absent—Excused.

Berkeley.

Senate Bill No. 16.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Williamson:

S. B. No. 16, A bill to be entitled "An Act to amend Article 1645, Title 34, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 35, General and Special Laws passed at the First Called Session of the Fortieth Legislature, as amended by Chapter 28, General and Special Laws passed at the First Called Session of the Forty-first Legislature relating to the appointment and compensation of county auditors in counties containing a population of thirty-five thousand inhabitants, or over, according to the preceding Federal Census, or having a tax valuation of fifteen million dollars, according to the last approved tax roll, and providing for additional compensation for the County Auditors in such counties having more than 200,000 population and not more than 300,000 population according to the last Federal census where there is a city and county hospital to care for city and county patients, and where a financial record for such hospital must be kept and reports made to the city and county and providing that if any portion of this Act be declared unconstitutional or invalid, the remainder shall not be affected thereby and declaring an emergency."

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Hardin.
Cunningham.	Holbrook.
DeBerry.	Hopkins.
Gainer.	Hornsby.
Greer.	Martin.

Moore.	Russek.
Neal.	Small.
Oneal.	Thomason.
Parr.	Williamson.
Parrish.	Woodruff.
Patton.	Woodul.
Poage.	Woodward.
Pollard.	

Nays—3.

Loy.	Rawlings.
Purl.	

Absent.

Cousins.	Stevenson.
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Absent—Excused.

Berkeley.

House Bill No. 27.

The Chair laid before the Senate by unanimous consent the following bill:

By Mr. Towery:

H. B. No. 27, A bill to be entitled "An Act providing that the river bed of the Trinity River in Henderson and Navarro Counties shall not be sold and shall remain open to the public for fishing and hunting with the specific reference to that portion of the Trinity River known as the Cut Off; and providing that the Commissioners' Courts of Henderson and Navarro Counties shall have the right of condemnation to procure rights of way to said river or Cut Off, and giving to the Game, Fish and Oyster Commission authority to make regulations controlling fishing and hunting on said Cut Off of the Trinity River, and providing a penalty for violations of same; and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended.

The committee report was adopted.

On motion of Senator Greer the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 27 was put on its second reading, by the following vote:

Yeas—28.

Beck.	Holbrook.
Cunningham.	Hopkins.
DeBerry.	Hornsby.
Gainer.	Loy.
Greer.	Martin.
Hardin.	Moore.

Neal.	Rawlings.
Oneal.	Russek.
Parr.	Small.
Parrish.	Thomason.
Patton.	Williamson.
Poage.	Woodruff.
Pollard.	Woodul.
Purl.	Woodward.

Absent.

Cousins.	Stevenson.
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Absent—Excused.

Berkeley.

The bill was read second time and passed to third reading.

On motion of Senator Greer the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 27 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Poage.
Greer.	Pollard.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Small.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent.

Cousins.	Stevenson.
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Absent—Excused.

Berkeley.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Neal.
Cunningham.	Oneal.
DeBerry.	Parr.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Poage.
Holbrook.	Pollard.
Hopkins.	Purl.
Hornsby.	Rawlings.
Loy.	Russek.
Martin.	Small.
Moore.	Thomason.

Williamson.
Woodruff.

Woodul.
Woodward.

Absent.

Cousins. Stevenson.

Absent—Excused.

Berkeley.

Senate Bill No. 19.

On motion of Senator Thomason, S. B. No. 19 was laid on the table subject to call.

Recess.

On motion of Senator Purl, the Senate, at 12:52 o'clock p. m., recessed until 2:30 o'clock p. m.

After Recess.

The Senate met at 2:30 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Senators Excused.

Senators Hardin and Oneal were excused for the rest of the day to attend the funeral of Senator Holbrook's brother.

Message from the Governor.

Executive Office,
Austin, Texas, Sept. 18, 1931.
To the Members of the 42nd Legislature:

I hand you herewith for consideration the attached bill relating to the leasing of river beds for oil and gas development. The fact that river bed areas are now in proven oil territory but are not subject to lease and the fact that contiguous areas are being developed will lead to the draining of oil and gas belonging to the State of Texas from the river bed areas.

I consider this an emergency matter and request that you give it your prompt attention.

Respectfully submitted,
R. S. STERLING, Governor.

House Bill No. 19.

The question recurred upon H. B. No. 19.

Senator Small raised the following point of order:

The Hon. Edgar E. Witt:

I raise the point of order to House Bill No. 19, by DeWolfe and others,

purporting to repeal Sub-division 4 of House Bill 251, Chapter 212, Acts of the Regular Session of the Forty-second Legislature, imposing an occupation tax on peddlers, that the bill is not within the Governor's call in that it does not provide for soil conservation and the alleviation of the condition of agriculture in Texas, and does not relate to establishing a policy which other agricultural states may follow, because it is not designed to bring about the reduction of cotton acreage in Texas, as was the Governor's intent, and because the subject embraced therein has not been submitted by the Governor, and therefore the consideration of said bill is expressly prohibited by the Constitution, as reflected by the opinion of the Attorney General, dated September 15th, 1931, addressed to the Hon. Ray Holder, and signed by James V. Allred, Attorney General, a copy of which is attached hereto.

SENATOR,

Thirty-first Senatorial District.

Austin, Texas, Sept. 15, 1931.

Honorable Ray Holder, Chairman
Committee on Education,
House of Representatives,
Austin, Texas.

Dear Sir:

Receipt is acknowledged of your letter of September 14th, reading as follows:

"As chairman of the Committee on Education I am asking for an opinion on whether or not the enclosed bill comes within the Governor's call, calling the Second Called Session of the Forty-second Legislature.

"The reason that the Committee on Education is interested in this bill is because of the fact that one-fourth of all occupation taxes go to the support of the public schools in this State, and as this bill seeks to repeal all taxes on all peddlers the public school funds will be materially affected and will result in the curtailment of the public activities in this State, and it will naturally become a matter of vital concern to this committee.

"Due to the fact that this bill has been reported out of committee I am urging that this opinion be furnished at the earliest possible date."

The copy of the bill which you enclose is numbered House Bill 19, the caption of which reads as follows:

"An Act repealing subdivision four (4) of Article 7047 of the Revised Civil Statutes of 1925 as amended by Chapter 212, Acts of the Regular Session of the Forty-second Legislature, levying an occupation tax on peddlers; and declaring an emergency."

The proclamation of the Governor of Texas, dated September 5, 1931, issued a call for a special session of the Forty-second Legislature for the following purposes:

"1. To enact such legislation as will adequately provide for soil conservation and the alleviation of the conditions of agriculture in Texas and establish a policy which other agricultural states may follow.

"2. To consider and act on such other subjects of public importance as the executive may, from time to time, during the session, submit by message or otherwise."

No other subjects have as yet been submitted.

An examination of paragraph one set out above discloses that House bill 19 does not come within the Governor's call.

Yours very truly,

JAMES V. ALLRED,
Attorney General of Texas.

Senator Pollard raised the point of order that Senator Small's point of order was out of order because the same point of order was raised in the House when the bill was introduced and was at that time overruled.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order, holding that this was the first time this point of order (by Senator Small) had been raised in the Senate.

The Senate voted that the bill did come within the Governor's call by the following vote:

Yeas—13.

Beck.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Williamson.
Loy.	Woodruff.
Moore.	Woodward.
Neal.	

Nays—6.

Cousins.	Poage.
Hopkins.	Purl.
Hornsby.	Rawlings.

Absent—Excused.

Martin.

Oneal.

(Pairs Recorded.)

Senator Greer (present) who would vote yea, with Senator Stevenson (absent) who would vote nay.

Senator Parr (present) who would vote nay, with Senator Berkeley (absent) who would vote yea.

Senator Small (present) who would vote nay, with Senator Holbrook (absent) who would vote yea. President of the Senate,

Senator Thomason (present) who would vote yea, with Senator Patton (absent) who would vote nay.

Senator Woodul (present) who would vote nay, with Senator Hardin (absent) who would vote yea.

On motion of Senator DeBerry the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 19 was put on its second reading by the following vote:

Yeas—22.

Beck.	Parrish.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Parr.	Woodward.

Nays—1.

Cousins.

Absent.

Hardin.	Patton.
Holbrook.	Pollard.
Martin.	Stevenson.

Absent—Excused.

Derkeley. Oneal.

The rule requiring committee reports to lie over 24 hours was suspended unanimously.

The committee report was adopted.

The bill was read second time and passed to third reading by the following vote:

Yeas—13.

Beck.	Parrish.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Williamson.
Hornsby.	Woodruff.
Loy.	Woodward.
Neal.	

Nays—5.

Cousins.	Rawlings.
Hopkins.	Russek.
Poage.	

Absent.

Greer.

Absent—Excused.

Martin. Oneal.

(Pairs Recorded.)

Senator Moore (present) who would vote yea, with Senator Stevenson (absent) who would vote nay.

Senator Parr (present) who would vote yea, with Senator Berkeley (absent) who would vote nay.

Senator Small (present) who would vote nay, with Senator Holbrook (absent) who would vote yea.

Senator Thomason (present) who would vote yea, with Senator Patton (absent) who would vote nay.

Senator Woodul (present) who would vote nay, with Senator Hardin (absent) who would vote yea.

On motion of Senator DeBerry the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 19 was put on its third reading and final passage by the following vote:

Yeas—22.

Beck.	Parrish.
Cousins.	Poage.
Cunningham.	Purl.
DeBerry.	Rawlings.
Gainer.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Parr.	Woodward.

Absent—Excused.

Berkeley.	Oneal.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Stevenson.
Martin.	

Read third time and finally passed by the following vote:

Yeas—13.

Beck.	Parrish.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Williamson.
Hornsby.	Woodruff.
Loy.	Woodward.
Neal.	

Nays—5.

Cousins.	Rawlings.
Hopkins.	Russek.
Poage.	

Absent—Excused.

Greer. Oneal.
Martin.

(Pairs Recorded.)

Senator Moore (present) who would vote yea, with Senator Stevenson (absent) who would vote nay.

Senator Parr (present) who would vote yea, with Senator Berkeley (absent) who would vote nay.

Senator Small (present) who would vote nay, with Senator Holbrook (absent) who would vote yea.

Senator Thomason (present) who would vote yea, with Senator Patton (absent) who would vote nay.

Senator Woodul (present) who would vote nay, with Senator Hardin (absent) who would vote yea.

Motion to Reconsider.

Senator DeBerry moved to reconsider the vote by which H. B. No. 19 was finally passed.

Senator Woodruff moved to table the motion to reconsider.

The motion to table prevailed.

House Bill No. 39.

The Chair laid before the Senate the following bill:

H. B. No. 39, A bill to be entitled "An Act making it lawful to hunt wild deer with one dog after being crippled in the counties of Liberty and Hardin, Texas, during the open season of each year for a period of five years, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Cousins the constitutional rule requiring bills to

be read on three several days was suspended and H. B. No. 39 was put on its third reading and final passage, by the following vote:

Yeas—23.

Beck.	Parrish.
Cousins.	Poage.
Cunningham.	Purl.
DeBerry.	Rawlings.
Gainer.	Russek.
Greer.	Small.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Absent—Excused.

Berkeley.	Oneal.
Hardin.	Patton.
Holbrook.	Pollard.
Martin.	Stevenson.

Read third time and finally passed by the following vote:

Yeas—22.

Beck.	Parrish.
Cousins.	Poage.
Cunningham.	Purl.
DeBerry.	Rawlings.
Gainer.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Parr.	Woodward.

Absent—Excused.

Berkeley.	Oneal.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Stevenson.
Martin.	

House Bills Referred.

H. B. No. 47, referred to Committee on Educational Affairs.

H. B. No. 49, referred to Committee on State Affairs.

Messages From the House.

Hall of the House of Representatives, Austin, Texas, Sept. 18, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directly by the House to inform the Senate that the House has passed the following bills and resolutions:

H. C. R. No. 13, Relative to the ginning of cotton.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing and did sign, in the presence of the Senate, after their captions had been read, the followings bill and resolution:

S. C. R. No. 4.

H. B. No. 52.

Message From the House.

Hall of the House of Representatives, Austin, Texas, Sept. 18, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am idrected by the House to inform the Senate that the House has passed the following bills:

H. B. No. 47, A bill to be entitled "An Act ratifying and validating Edcouch-Elsa Independent School District, ratifying and validating the proceedings of the board of county school trustees of Hidalgo county in annexing territory thereto, ratifying and validating the proceedings of the board of school trustees of Hidalgo county in detaching territory therefrom, ratifying and validating the petitions of voters residing in territory annexed and detached, and actions thereon by the board of trustees of Edcouch-Elsa Independent School District, by the board of trustees of Common School District No. 2, Hidalgo county, and also by the board of county school trustees of Hidalgo county annexing territory, being a portion of Common School District No. 2, Hidalgo county, and detaching territory from Edcouch-Elsa Independent School District, defining and describing Edcouch-Elsa Independent School District after such annexation and detachment, and declaring an emergency."

H. B. No. 49, A bill to be entitled "An Act to amend Article 3887 of the Revised Civil Statutes of 1925, as amended by the Acts of the Forty-first Legislature, Regular Session, Chapter 112, page 256, as further amended by the Acts of the Forty-second Legislature, Regular Session, Chapter 123, page 235, of the Special Laws of said Forty-second Legisla-

ture; providing that said article as so amended shall also apply to any county having a population of seventy-five thousand (75,000) inhabitants or more, according to the last preceding Federal census and each succeeding Federal census thereafter, which have voted road and bridge bonds amounting to six million dollars (\$6,000,000) or more, and flood protection bonds amounting to one million dollars (\$1,000,000) or more, where there is no district attorney and having two or more district courts, and in which the county attorney acts as district attorney, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Sept. 18, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate Amendments to House Bill No. 7 by a vote of 95 yeas and 7 nays, and requests the appointment of a Conference Committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Olsen, Turner, Murphy, Sparkman, and Westbrook.

The House has adopted the following resolution:

H. C. R. No. 20, Granting permission to correct certain errors in H. B. No. 27.

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Committees Appointed.

The Chair announced the appointment of the following committees:

Senate Committee to attend the funeral of brother of Senator Holbrook:

Senators Hardin, Oneal and Woodruff.

Senate Conference Committee on H. B. No. 7:

Senators Cunningham, Woodward, Small, Neal and Thomason.

H. C. R. No. 20.

The Chair laid before the Senate:

H. C. R. No. 20, Authorizing clerical corrections to caption of H. B. No. 27.

Read and adopted.

Senate Bill No. 24.

The Chair laid before the Senate the following bill:

By Senator Cunningham:

S. B. No. 24, A bill to be entitled "An Act to amend Article 7043 of the Revised Civil Statutes, etc., and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended.

The committee report was adopted.

On motion of Senator Cunningham the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 24 was put on its second reading by the following vote:

Yeas—22.

Beck.	Parrish.
Cousins.	Poage.
Cunningham.	Purl.
DeBerry.	Rawlings.
Gainer.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Parr.	Woodward.

Absent—Excused.

Berkeley.	Oneal.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Stevenson.
Martin.	

Read second time.

Senator Cunningham sent up the following amendments:

Strike out all below the enacting clause of S. B. No. 24 and insert in lieu thereof the following:

Section 1. That Article 7043 of the Revised Civil Statutes of the State of Texas, 1925, as amended Acts Third Called Session, Forty-first Legislature, Page 527, Chapter 23, be amended so as to hereafter read as follows:

"Article 7043. Ascertaining Tax Rate. Within five days after the Comptroller has received such certified statements from every Assessor within this State, said Board shall meet for the purpose of calculating the ad valorem rate of taxes to be collected for the State and public free school purposes. In calculating said rates the Board shall calculate the same by the following rules and upon the following basis;

they shall find by adding together all the property subject to taxation in all counties as shown by the certified statements returned by the Assessors, the total valuation of all property within this State subject to ad valorem taxes. They shall find by adding together the sums appropriated by the Legislature, which will or which may become due by the State during the following fiscal year, the total sum which will or which may become due by the State, during the following fiscal year. They shall find, by adding all sums paid into the State Treasury as delinquent ad valorem taxes and interest and penalties thereon during the first half of the current calendar year and the latter half of the preceding calendar year and all sums paid into the State Treasury as taxes for State purposes from all sources other than as ad valorem taxes for the same period, the total sum paid into the State Treasury from said sources during said time. They shall find by subtracting from the total sum which will or which may become due by the State during the succeeding fiscal year the total sum which was paid into the State Treasury as taxes for State purposes during the first half of the current calendar year and the latter half of the preceding calendar year, the total sum for State purposes which must be collected by ad valorem taxes. They shall add to such remainder twenty per cent of said remainder. They shall divide the total sum for State purposes which must be collected by ad valorem taxes added to twenty per cent of such total sum by the quotient of the total valuation of all property within this State divided by one hundred. The quotient shall be the number of cents on the One Hundred Dollars valuation to be collected for the current year for State purposes; provided that said quotient shall not be run to more than three decimals. The rate for State purposes shall never exceed the rate fixed by law on the One Hundred Dollars valuation of property; provided, however, that the rate to be fixed as provided herein for the years 1931 and 1932 shall not exceed sixty-nine (69) cents on the One Hundred Dollars valuation of property. In calculating the rate to be collected for public free school purposes, said Board shall take into consideration the

number of children in the State within the scholastic age, to be determined from the most recent official school census; and shall fix a rate that will yield and produce for such fiscal year seventeen and one-half dollars per capita for all the children within the scholastic age, as shown by said scholastic census; provided, the rate so fixed for any year shall never exceed the rate fixed by law."

Sec. 2. The fact that increasing the general ad valorem tax rate over the rate now existing will cause untold hardship, creates an emergency and an imperative public necessity and that the Constitutional Rule requiring bills to be read on three several days should be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage as provided for in Section 1 hereof, and it is so enacted.

CUNNINGHAM.

Read and adopted.

Amend S. B. No. 24 by striking out all above the enacting clause and insert in lieu thereof the following:

By Cunningham S. B. No. 24.

A BILL

To Be Entitled

An Act to amend Article 7043 of the Revised Civil Statutes of the amended, Third Called Session Forty-first Legislature, Page 527, Chapter 25, relating to ascertaining tax rate, and declaring an emergency.

CUNNINGHAM.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Cunningham the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 24 was put on its third reading and final passage, by the following vote:

Yeas—22.

Beck.	Parrish.
Cousins.	Poage.
Cunningham.	Purl.
DeBerry.	Rawlings.
Gainer.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Parr.	Woodward.

Absent—Excused.

Berkeley.	Oneal.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Stevenson.
Martin.	

Read third time and finally passed by the following vote.

Yeas—22.

Beck.	Parrish.
Cousins.	Poage.
Cunningham.	Purl.
DeBerry.	Rawlings.
Gainer.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Parr.	Woodward.

Absent—Excused.

Berkeley.	Oneal.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Stevenson.
Martin.	

House Bill No. 30.

The Chair laid before the Senate the following bill:

By Mr. Jones of Atascosa:

H. B. No. 30, A bill to be entitled "An Act repealing House Bill No. 943, Chapter 159, page 311, of the Special Laws passed at the Regular Session of the Forty-second Legislature, as amended by House bill No. 37, Chapter 21, of the General and Special Laws of the First Called Session of the Forty-second Legislature, 1931, and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended.

The committee report was adopted.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 30 was put on its second reading by the following vote:

Yeas—22.

Beck.	Hopkins.
Cousins.	Hornsby.
Cunningham.	Loy.
DeBerry.	Moore.
Gainer.	Neal.

Parr.	Small.
Parrish.	Thomason.
Poage.	Williamson.
Purl.	Woodruff.
Rawlings.	Woodul.
Russek.	Woodward.

Absent—Excused.

Berkeley.	Oneal.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Stevenson.
Martin.	

The bill was read second time and passed to third reading.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 30 was put on its third reading and final passage, by the following vote:

Yeas—22.

Beck.	Parrish.
Cousins.	Poage.
Cunningham.	Purl.
DeBerry.	Rawlings.
Gainer.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Parr.	Woodward.

Absent—Excused.

Berkeley.	Oneal.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Stevenson.
Martin.	

Read third time and finally passed by the following vote:

Yeas—22.

Beck.	Parrish.
Cousins.	Poage.
Cunningham.	Purl.
DeBerry.	Rawlings.
Gainer.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Parr.	Woodward.

Absent—Excused.

Berkeley.	Holbrook.
Greer.	Martin.
Hardin.	Oneal.

Patton.
Pollard.

Stevenson.

Simple Resolution No. 14.

Senator Purl sent up the following resolution:

Whereas, The Legislature of the State of Texas has been called in session for a specific purpose; and

Whereas, invitations have been received by members of this body to attend the Arlington Downs Races in Fort Worth on Saturday, Sept. 19th, (tomorrow,) and arrangements made to convey them to Fort Worth on a special train; and

Whereas, by remaining in session tomorrow, the Legislature may be able to complete its labors one day earlier, and save a considerable expense to the State; now therefore

Be It Resolved that we decline the invitation.

PURL.
WOODWARD,
POAGE.

Read and adopted.

House Bill No. 12.

The Chair laid before the Senate the following bill:

By Mr. Wyatt:

H. B. No. 12, A bill to be entitled "An Act to prohibit the sale or offering for sale or the buying of any bass, crappie, perch, or channel or opalouis cat, or any other fish taken from the waters of Lake Waco or the Bosque Rivers and their tributaries in the Counties of McLennan, Bosque, and Hamilton; to prohibit the use of any drag seine or nets and to limit the size and number to be caught, and to prohibit the use of a troll from a motor boat or boat propelled by other than ordinary oars, and to prohibit the catching of bass, crappie, perch, channel or opalouis catfish during the months of February, March, and April of each year, and declaring an emergency."

The committee report was adopted.

Read second time.

Senator Poage sent up the following amendments:

Amend H. B. No. 12, Section 2, by striking out in the fourth (4) line of said section the words, "with single hook," and inserting in lieu thereof, the following: "or common trot line or throw line."

POAGE.

Read and adopted.

Amend H. B. No. 12, Section 2, by adding at the end of said section at the top of page two (2), the following: "nor shall anything in this Act prevent the use of ordinary minnow seine of not more than twenty feet in length provided, however, it shall be unlawful to use any minnow seine for any purpose other than catching minnows for bait and it shall be unlawful to use such minnow seine for any purpose during the months of February, March, and April of any year; and it shall be unlawful to allow any trot line to remain in any of the aforesaid waters during any daylight hours, between two (2) hours after sunup to two (2) hours before sundown of any day.

POAGE.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Poage the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 12 was put on its third reading and final passage, by the following vote:

Yeas—22.

Beck.	Parrish.
Cousins.	Poage.
Cunningham.	Purl.
DeBerry.	Rawlings.
Gainer.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Parr.	Woodward.

Absent—Excused.

Berkeley.	Oneal.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Stevenson.
Martin.	

Read third time and finally passed by the following vote:

Yeas—22.

Beck.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Poage.
Hopkins.	Purl.
Hornsby.	Rawlings.
Loy.	Russek.

Small.	Woodruff.
Thomason.	Woodul.
Williamson.	Woodward.

Absent—Excused.

Berkeley.	Oneal.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Stevenson.
Martin.	

Senate Bill No. 15.

The Chair lead before the Senate on its second reading the following bill:

By Senator Hornsby:

S. B. No. 15, A bill to be entitled "An Act to amend Senate bill No. 114, Chapter 68, of the laws of the State of Texas, as passed by the Forty-second Legislature at its Regular Session in 1931, which Act defines and regulates Public Cotton Classers, by a more complete definition of a Public Cotton Classer, repealing all laws and parts of laws in conflict therewith, and declaring an emergency, which said Act after amended shall hereafter read as follows; etc., and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 15 was put on its third reading and final passage, by the following vote:

Yeas—22.

Beck.	Parrish.
Cousins.	Poage.
Cunningham.	Purl.
DeBerry.	Rawlings.
Gainer.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Parr.	Woodward.

Absent—Excused.

Berkeley.	Oneal.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Stevenson.
Martin.	

Read third time and finally passed by the following vote:

Yeas—21.

Beck.	Poage.
Cousins.	Purl.
Cunningham.	Rawlings.
Gainer.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Parr.	Woodward.
Parrish.	

Nay—1.

DeBerry.

Absent—Excused.

Berkeley.	Oneal.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Stevenson.
Martin.	

House Bill No. 35.

The Chair laid before the Senate the following bill:

By Mr. Beck:

H. B. No. 35, A bill to be entitled "An Act to amend subdivision (b) of Section 3, of House Bill No. 239, enacted by the Forty-second Legislature of Texas, Regular Session, extending the time for the holding of the election provided for therein and providing the same may be held at any time prior to December 31, 1935, and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended.

The committee report was adopted.

Read second time.

Senator Purl sent up the following amendment:

Amend H. B. No. 35 by adding the following after the word District on Page 3, Line 14 the following:

"Not fewer than four (4) to be residents of Dallas county and not fewer than four (4) to be residents of Tarrant County."

PURL.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 35 was put on its third reading and final passage, by the following vote:

Yeas—22.

Beck.	Parrish.
Cousins.	Poage.
Cunningham.	Purl.
DeBerry.	Rawlings.
Gainer.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Parr.	Woodward.

Absent—Excused.

Berkeley.	Oneal.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Stevenson.
Martin.	

Read third time and finally passed by the following vote:

Yeas—22.

Beck.	Parrish.
Cousins.	Poage.
Cunningham.	Purl.
DeBerry.	Rawlings.
Gainer.	Russek.
Hopkins.	Small.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Parr.	Woodward.

Absent—Excused.

Berkeley.	Oneal.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Stevenson.
Martin.	

H. C. R. No. 13.

The Chair laid before the Senate: H. C. R. No. 13, Relating to prices for ginning cotton.

The resolution was read.

Senator Cousins sent up the following amendment:

Amend H. C. R. No. 13, page 1, paragraph 3, line 3 in said paragraph 3, by striking out the word "transporting."

COUSINS.

The amendment was read.

On motion of Senator Cousins, the resolution was laid on the table subject to call.

Adjournment.

Senator Small moved to adjourn until 9:30 o'clock tomorrow morning.

Senator Williamson moved to adjourn until 10:00 o'clock Monday morning. The motion was lost.

The motion to adjourn until 9:30 o'clock tomorrow morning prevailed and at 6:18 o'clock p. m., the Senate adjourned.

APPENDIX.

Petitions and Memorials.

A Cotton Picker.

The woman wearily sighs as she lays
The heavy strap of duck across her
heart.

She gently smooths the harsh creases
apart,

That blister her snow white breast,
while **she sways**

To gather the prisoning locks, that
daze

Her soul. Burs prick her hands un-
til they smart

With bloody pain. She looks up with
a start

To see pickers ahead as in a haze.

Then valiantly she tries to match the
speed

Of husband and children; who swift-
ly pick

The snowy fetters that chain them to
toil.

They bend from dawn to weary dusk
to feed

The yawning jaws of debt; while her
heart-sick

Brain schemes to save her daughters
from the soil.

LEOLA CHRISTIE BARNES,
Santa Anna, Texas.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, Sept. 18, 1931.

Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. C. R. No. 2,
carefully examined and compared
and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, Sept. 18, 1931.

Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 22,

carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, Sept. 18, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 23, A bill to be entitled "An Act suspending the right of the State, counties, cities, towns, municipalities and all other divisions of the Government to enforce tax liens from and after this Act becomes effective until January 1, 1933; providing that the same shall in no wise affect the right of the State, counties, cities, towns, municipalities, or other divisions of the Government to collect interests or penalties as provided by law for any delinquent tax, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the following committee amendment, to-wit:

"Amend S. B. No. 23, Section 1, line 4, by striking out the words 'to enforce liens' and insert the following: 'to sell any property under or by virtue of any tax lien.'"

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Sept. 18, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

H. B. No. 7, A bill to be entitled "An Act declaring that it is mandatory under the Constitution of Texas that the Legislature enact laws to compel the preservation, development and fertility of the soil, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that same be not printed.

CUNNINGHAM, Chairman.

Committee Room,

Austin, Texas, Sept. 18, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 53, A bill to be entitled "An Act to repeal Chapter 325 of the General Laws of the Regular Session of the Forty-second Legislature placing Presidio county under the hide and animal inspection laws of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PARR, Chairman.

Committee Room,

Austin, Texas, Sept. 18, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 27, A bill to be entitled "An Act providing that the river bed of the Trinity River in Henderson and Navarro counties shall not be sold and shall remain open to the public for fishing and hunting with the specific reference to that portion of the Trinity River known as the Cut Off, and providing that the commissioners' courts of Henderson and Navarro counties shall have the right of condemnation to procure rights of way to said river or Cut Off, and giving Game, Fish and Oyster Commission authority to make regulations controlling fishing and hunting on said Cut Off of the Trinity River, and providing a penalty for violations of same; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed in lieu of previous printing.

MOORE, Chairman.

Committee Room,

Austin, Texas, Sept. 18, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 33, A bill to be entitled "An Act waiving the right of the State of Texas to enter upon, for the purpose of development of mines, minerals and mineral rights, including oil and gas thereunder, all lands heretofore granted, or that may hereafter be granted, under Article 8225 of the Revised Statutes, to any navigation district, and by such district

conveyed, or that may hereafter be conveyed to the United States of America for navigation purposes, so long as such lands shall be used by the United States of America, or such navigation district, for navigation purposes; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute do pass in lieu thereof, and be not printed.

HORNSBY, Chairman.

Committee Room,
Austin, Texas, Sept. 18, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 12, A bill to be entitled "An Act to prohibit the sale or offering for sale or the buying of any bass, crappie, perch, or channel or opalouis cat, or any other fish taken from the waters of Lake Waco or the Bosque Rivers and their tributaries in the Counties of McLennan, Bosque, and Hamilton; to prohibit the use of any drag seine or nets and to limit the size and number to be caught and to prohibit the use of a troll from a motor boat or boat propelled by other than ordinary oars, and to prohibit the catching of bass, crappie, perch, channel or opalouis catfish during the months of February, March, and April, of each year; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

Committee Room,
Austin, Texas, Sept. 18, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred

H. B. No. 35, A bill to be entitled "An Act to amend Subdivision (b) of Section 3 of H. B. No. 239 enacted by the 42nd Legislature of Texas, Regular Session, extending the time for the holding of the election provided for therein and providing the same may be held at any time prior

to December 31, 1935; also declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

Committee Room,
Austin, Texas, Sept. 18, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred

H. B. No. 30, A bill to be entitled "An Act repealing House Bill No. 943, Chapter 159, page 311, of the Special Laws passed at the Regular Session of the 42nd Legislature as amended by House Bill 37, Chapter 21, of the General and Special Laws of the 1st Called Session of the 42nd Legislature, 1931, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

Committee Room,
Austin, Texas, Sept. 18, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 24, A bill to be entitled "An Act to amend Article 7043 of the Revised Civil Statutes of the State of Texas, 1925, Acts, First Called Session 30th Legislature, Page 464, relating to ascertaining tax rate, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

Committee Room,
Austin, Texas, Sept. 18, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

S. B. No. 21, A bill to be entitled "An Act requiring that all ginners, cotton yard operators, and public warehousemen, as defined by the laws of this State, shall, upon the request of the owner of any cotton held or possessed by such ginners,

cotton yard operators or public warehousemen, draw samples of said cotton and send same to the State Department of Agriculture for classification; authorizing, etc., providing penalties; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, Sept. 18, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

S. B. No. 20, A bill to be entitled "An Act declaring the policy of the State of Texas on production of cotton of less than 5-8 inch staple; providing for penalties; providing for payment of such penalties; requiring report of producers and ginnerers of cotton of less than 5-8 inch staple; making the producers of such cotton and owners of gins liable to civil action for failure to report any such cotton ginned, and prescribing the duties; providing penalties, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that the same be printed in the Journal.

CUNNINGHAM, Chairman.

By Moore.

S. B. No. 20.

A BILL

To Be Entitled

An Act declaring the policy of the State of Texas on production of cotton of less than 5-8 inch staple; providing for penalties; providing for payment of such penalties; requiring report of producers and ginnerers of cotton of less than 5-8 inch staple; making the producers of such cotton and owners of gins liable to civil action for failure to report any such cotton ginned, and prescribing the duties; providing penalties, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. For the purpose of encouraging and developing the production of a better staple and grade of cotton in Texas it is hereby de-

clared the policy of the State of Texas that cotton of less than 5-8 inch staple is and shall be a nuisance and detrimental to the welfare of the State of Texas and the cotton industry in general and subject to penalties and assessments as follows:

a—Each and every person, firm, corporation, or association of persons owning, operating, controlling, or having under lease any land within the State of Texas who shall produce and gin cotton of less than 5-8 inch staple shall have assessed against such cotton fees and penalties in the sum of \$5.00 per bale or fraction thereof.

b—It shall be the duty of each and every producer of cotton of less than 5-8 inch staple to keep a record of the number of such bales or fraction thereof produced, such record to be filed under oath within 5 days after such cotton has been picked and ginned with the County Judge of the County where such cotton is produced.

Sec. 2. It shall be the duty of all such persons, firms, corporations or associations of persons operating any gin in this State who gin any cotton having a staple of less than five-eighths (5-8) inch in length to report the same to the county attorney of the county in which any such gin may be located. Such report shall be made within twenty-four (24) hours of the time said cotton is ginned. Said report shall bear the name and address of the person for whom the cotton was ginned, the number of the bales of cotton so ginned and the weight of the same at the gin.

Sec. 3. All such persons, firms, corporations or associations of persons who shall gin any cotton with a staple of less than five-eighths (5-8) inch in length shall be liable to the State in the sum of Five Dollars (\$5.00) for each such bale so ginned. It shall be the duty of the county or district attorney of the county where such gin is located to file suit in the name of the State against any such person, firm or corporation or association of persons to recover the penalties herein prescribed. All moneys recovered under the provisions of this Act shall be paid into the General Revenue Fund of the county where such gin is located.

Sec. 4. Any person, firm, corporation or association of persons

failing to make the report required by Sub-section B of Section 1, and Section 2 of this Act shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00) or be confined in the county jail not less than ten (10) days nor more than sixty (60) days, or by both fine and imprisonment.

Sec. 5. The fact that the production, picking, ginning and marketing of low grades of cotton have contributed greatly toward the de-

moralization of the cotton market, and have resulted from year to year in a great decrease of the price which the farmers are able to secure for the better grades of cotton, and the further fact that there are no laws adequate to cure this situation, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three days in each House be, and the same is, hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

In Memory
of
Mr. P. P. Holbrook

SIMPLE RESOLUTION NO. 12.

Senator Oneal sent up the following resolution:

WHEREAS, the all-wise Creator has taken from the sphere of this life, Mr. P. P. Holbrook of Vernon, Texas, the brother of our beloved colleague Senator T. J. Holbrook; and,

WHEREAS, for many years Mr. Holbrook and his wife have been prominent and useful citizens of Vernon, Texas; and,

WHEREAS, in the death of Mr. Holbrook, his wife has lost a dear and devoted husband; his father and mother and brothers have lost a beloved son and brother; the State of Texas has lost a most valuable citizen,

BE IT RESOLVED BY THE STATE SENATE OF TEXAS: That this body extend to his family our heartfelt sympathy in their bereavement and that an appropriate place in the Senate Journal be set aside in respect to the memory of Mr. Holbrook, and that a copy of this resolution be transmitted by the secretary to the wife and family; and,

BE IT FURTHER RESOLVED BY THE STATE SENATE OF TEXAS: That the Senate, out of respect for our colleague, Senator T. J. Holbrook, send a committee, to be appointed by the Lieutenant Governor, to attend the funeral at Vernon, Texas, on Saturday, September 19th.

POAGE,
ONEAL,
HARDIN,
PARR,
HORNSBY,
PURL,
BECK,
BERKELEY,
CUNNINGHAM,
COUSINS,

DeBERRY,
GAINER,
GREER,
HOPKINS,
LOY,
MARTIN,
MOORE,
NEAL,
PARRISH,
PATTON,

POLLARD,
RAWLINGS,
RUSSEK,
SMALL,
STEVENSON,
THOMASON,
WILLIAMSON,
WOODUL,
WOODRUFF,
WOODWARD,

LIEUTENANT GOVERNOR EDGAR E. WITT.

Read and adopted unanimously by a rising vote.

In Memory
of
Judge Wm. Henry Clark

SIMPLE RESOLUTION NO. 13.

Senator Purl sent up the following resolution:

WHEREAS, on September 17th, 1931, Judge Wm. Henry Clark of Dallas, Texas, was called to his eternal reward; and

WHEREAS, Judge Clark was a veteran of forty one years' practice at Dallas Bar and was a member of the Dallas, Texas, and American Bar Associations. He was President of the State Bar Organization in 1897, the youngest attorney ever to hold that honor; and

WHEREAS, Judge Clark was recognized throughout the State as a brilliant lawyer and one who was active in framing many of the Civil Statutes of Texas, his legal knowledge was particularly utilized in the enactment of laws creating the State Railroad Commission, regulating insurance companies and state anti-trust legislation. He was also the author of several legal text books, and

WHEREAS, He served his State and the people with whom he came in contact unselfishly and his many friends will deeply regret the passing of this worthy citizen; and therefore be it

Resolved by the Senate of Texas of the Second Called Session of the Forty-second Legislature that we extend our sincere regrets and deep sympathy; that a copy of this resolution be spread upon a special page of the Journal of the Senate, and that copies be furnished the family of the deceased.

PURL,
BECK,
BERKELEY,
COUSINS,
CUNNINGHAM,
DeBERRY,
GAINER,
GREER,
HARDIN,
HOLBROOK,
HOPKINS,

HORNSBY,
LOY,
MARTIN,
MOORE,
NEAL,
ONEAL,
PARR,
PARRISH,
PATTON,
POAGE,
POLLARD,

RAWLINGS,
RUSSEK,
SMALL ,
STEVENSON,
THOMASON,
WILLIAMSON,
WOODRUFF,
WOODUL,
WOODWARD,

LIEUTENANT GOVERNOR EDGAR E. WITT.

Read and adopted unanimously by a rising vote.